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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,155	09/23/2003	Martin A. Cohen	884.0207USU	1663

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EXAMINER
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RALIS, STEPHEN J

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/669,155

Applicant(s)

COHEN ET AL.

Examiner

Stephen J. Ralis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/26/2004.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

1. Applicant's claim for domestic priority benefit of Provisional Application No. 60/414/563, filed 30 September 2002, is acknowledged and granted.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "22", "20", and "16" have been used to designate heating plate, fluid reservoir, and housing of both the first and second embodiments. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities: page 17, line 10, "Fig. 7" should read –Fig. 6–.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 11 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In the instant case, Applicant claims "wherein one or more output indicators are selected from a group consisting of a button, a switch, a roller, and a knob. On page 7, lines 11-15 of Applicant's disclosure, Applicant states "The output indicators 32, in contrast to input selectors 28, preferably provide operative feedback to the user. Output indicators 32 can preferably be visible via interface 2, audible via sound generator 4, tactile via vibrator 8, or any combination of the same". Applicant further discloses "Output indicators 32 can be directly or indirectly operatively connected with interface 2" (page 7, lines 15-16). There is no disclosure of the output indicators being selected from the input indicator selection and, furthermore, Applicant states that the output indicators are in contrast to the input selectors. Therefore, claim 11 is non-enabling.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 6-8, 10-13, 15, 16 and 18-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Wellcome (United Kingdom Patent Application No. GB2163574A).

Wellcome discloses a controller for use with a fabric grooming device (control box 5 for use to control an iron; page 1, lines 62-76; see Figure 1) comprising; an interactive user interface operatively connected to a microprocessor (control panel 6 connected to microprocessor 9 and display 8 via display driver 10 connected to microprocessor 9; see Figure 3) with one or more input selectors (press-buttons 7) and one or more output indicators (digital display 8).

Wellcome further discloses the one or more input selectors having an image or symbol associated therewith for identifying the function and/or operation of the device (Figure 2 discloses input press-buttons 7 having text, dots and temperatures corresponding to certain settings and such markings are inherently symbols); the input selectors (press-buttons 7) are part of control panel display 6 making the combination a touch panel (see Figure 2); the one or more output indicators having an image or symbol for identifying the function and/or operation of the device (displays actual temperature and whether the temperature is higher or lower; page 1, lines 87-92; see Figure 2); the at least one or more of the output indicators being a display panel or an

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LED based on the one or more of the input selectors(digital display 8 is a visual indicator/panel; see Figure 2; and the attainment of selected temperature energizes an LED; page 2, lines 25-30); the one or more output indicators being an audible indicator (buzzer 17; page 1, line 126 – page 2, line 7; page 2, lines 25-30); the microprocessor being operatively connected (page 1, lines 93 – page 2, line 24 ) to a sound generator (buzzer 17; see Figure 3), one or more sensors (temperature sensor 15; see Figure 3); a heater (heating element 13; see Figure 3) and a timer (page 1, lines 108 –118).

With respect to the limitations of claims 11, the claim is examined as disclosed in the specification, “output indicators are selected from one of an interface, audible via sound generator, tactile via vibrator 8, or any combination of the same”, based on the input selector interface (page 7, lines 11-16).

As the reference meets all material limitations of the claims at hand, the reference is anticipatory.

***Joint Inventors – Common Ownership Presumed***

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wellcome (United Kingdom Patent Application No. GB2163574A) in view of Aoto et al (Japanese Patent No. JP 03159699 A).

The claims differ from Wellcome in calling for at least one of said one or more input selectors being an LED panel. However, a temperature setting switches on a panel having correlating LEDs, as described by Aoto et al., is well known in the art. Aoto et al. teach an iron with temperature setting switches 11 being selected, then an LED according to it is lit and is displayed as set (English Constitution translation) to provide

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the user with an easy mechanism to set and view the temperature selection, thereby providing a more efficient use interface for an iron. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the control panel of Wellcome with the LED display panel of Aoto et al. to provide the user with an easy mechanism to set and view the temperature selection, thereby providing a more efficient use interface for an iron.

12. Claim 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wellcome (United Kingdom Patent Application No. GB2163574A) in view of Upadhye et al. (U.S. Publication No. 2003/0074903).

The claims differ from Wellcome in calling for the input selectors being an LCD panel. However, input user interfaces for heating device being touchscreen LCD panels, as described by Upadhye et al., is well known in the art. Upadhye et al. teach a input device (exemplary input device 76 shown as a keypad may also include a touch screen) comprising input selectors (touch screen) being displayed in an LCD (display indicator 78) depending on the temperature selection (page 3, paragraph 40; see Figure 9) to provide a lower power consumption device and a higher resolution in the device allowing for a smaller but comfortable display, thereby providing a quality product interaction experience. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the input display device of Wellcome with the touch screen LCD display of Upadhye et al. to provide a lower power consumption



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device and a higher resolution in the device allowing for a smaller but comfortable display, thereby providing a quality product interaction experience.

13. Claims 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wellcome (United Kingdom Patent Application No. GB2163574A) in view of Riess et al. (U.S. Patent No. 6,509,555).

The claims differ from Wellcome in calling for one or more output indicators being a tactile indicator and the microprocessor operatively connected to a vibrator (tactile sensor). However, hand held heating devices having microprocessors operatively connected to vibrator/tactile indicators, as described by Riess et al., is well known in the art. Riess et al. teach a hand held heater comprising a microprocessor (540) operatively connected to a tactile feedback solenoid ([26]; see column 35, lines 22-31) to alert the user of a successful operation of the device (column 23, lines 52-58), thereby improving the user interface of the device to ensure system notification to the user. Wellcome further teaches the tactile output being a motor vibration or a solenoid actuation (column 46, claim 12; column 50, claim 45). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify microprocessor and output indicators of Wellcome with the microprocessor and control of the tactile output/vibration of Riess et al. to alert the user of a successful operation of the device, thereby improving the user interface of the device to ensure system notification to the user.

***Prior Art***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 2,569,259 to Purpura is a teaching of an iron with a fabric temperature selection on the handle.

U.S. Patent No. 2,235,891 to Kuhn et al. is a teaching of an iron with a fabric temperature selection on the iron.

Japanese Publication No. JP 62261400A to Kenji et al. is a teaching of an iron with a fabric temperature selection and indication panels with LED correlation all together in the temperature setting part of the iron.

Japanese Publication No. JP 07051495A to Matsuo et al. is a teaching of an iron with a control and displaying means all within the grip part of the iron.

United Kingdom Patent Application No. GB 221925A to Barber is a teaching of a cordless iron with LCD displaying means.

U.S. Patent No. 3,281,912; 4,686,352; 6,438,876 and U.S. Publication No. 20010049846 are cumulative to or less pertinent than the references relied upon above.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Ralis whose telephone number is 571-272-6227. The examiner can normally be reached on Monday - Friday, 8:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Stephen J Ralis  
Examiner  
Art Unit 3742

SJR  
July 25, 2006



ROBIN O. EVANS  
PRIMARY EXAMINER  
8/6/06